IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.10103 of 2008
BAUE LAL MAHTO & ANR
Versus
THE STATE OF BIHAR
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3 14.5.08 Heard both sides.

The petitioner no.2 Ram Narayan Mahto apprehends arrest in connection with Babubarhi P.S. Case no.112 of 2007 instituted for the offence punishable under Sections 341, 323,379. 504/34 of the Indian Penal Code and 3 (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act.

As per allegation in the FIR, the petitioner no.2 along with his father is said to have arrived at the field and ordered the labourer to cut paddy crop standing thereon and when it was objected to it is said that the father of the petitioner no.2 abused the informant in the name of Caste and thereafter, it is alleged, the petitioner no.2 assaulted the informant with fists and slaps.

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Learned counsel for the petitioner no.2 draws attention of this court to Annexure -2 , which is the sale deed, in order to submit that this land has been purchased by the petitioner Ram Narayan Mahto in the name of his minor sons. It has been further submitted in the petition that a title suit is already pending between the parties. Learned counsel on the basis of allegation submits that even Section 3(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act may not be applicable so far as the petitioner no.2 is concerned.

In the facts and circumstances, petitioner no.2 ,namely, Ram Narayan Mahto, in the event of his arrest or surrender in the court

below within four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhubani in Babubarhi P.S. case no.112/2007, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far petitioner no.1 Baue Lal Mahto is concerned, his application for anticipatory bail has already become infructuous and stood dismissed on 17.4.08.

Neyaz/ (Kishore K. Mandal, J.)

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